

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3090 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

J. K. CHAUDHARY

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Appearance:

MR HARDIK RAVAL for Petitioner

MR HK RATHOD for Respondent

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/09/96

ORAL JUDGMENT

Heard learned counsel for the parties. The Gujarat State Road Transport Corporation, the petitioner herein, challenged the Award made in Ref.(IT) No.300 of 1980 by the Industrial Tribunal, before this Court.

2. The respondent-workman, driver of the Corporation was served with a chargesheet that he has been involved in an accident with another S.T. bus, while on duty on

17.3.96. It was stated to be a case of rash and negligent driving of the workman. After holding inquiry, under the order dated 19.7.77, the workman-respondent was ordered to be dismissed from services. He has taken the matter in department appeal. The appellate authority has interfered with the punishment given to the workman and the penalty of dismissal from services was substituted by penalty of reducing his pay to minimum of his initial pay scale. Workman raised Industrial dispute and the Tribunal, under the aforesaid Award, has interfered in the matter and the punishment given by the appellate authority has been set aside and he was ordered to be given all the benefits.

3. The only contention made by the learned counsel for the petitioner is that the Tribunal could not have interfered in the matter. The punishment has been given to the workman after holding departmental inquiry and the same did not called for any interference.

4. On the other hand, the learned counsel for the respondent contended that it is a case where Tribunal has held that charges were not proved against the petitioner and consequently he has been exonerated of the charges. In respect of said accident, a criminal case has also been filed against the workman and he has been acquitted therein by the Judicial Magistrate, Himmatnagar and this fact has also been considered by the Industrial Tribunal. The accident which occurred, as per the report of Departmental Inquiry Committee, was the result of rash and negligent driving of driver of another bus of the Corporation.

5. The learned counsel for the petitioner is unable to show what action has been taken against the driver of another bus. It is not a case where the Tribunal has found it to be a case of rash and negligent driving of the driver and as such, it has rightly interfered in the matter. It is a case of appreciation of evidence and when the Tribunal has passed the order impugned after appreciating the evidence, it does not call for any interference of this Court. This Court sitting under Article 227 of the Constitution of India will not reappreciate the evidence nor it will go on the question of sufficiency of evidence. Interference could have been made only where the finding is stated to be without any evidence or the same is perverse, which is not a case here.

5. In the result, this Special Civil Application fails and the same is dismissed. Rule is discharged.

Ad-interim relief granted by this Court stands vacated.  
No order as to costs.

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(sunil)